

INSTRUCTION NO. _____

() Your award should include reasonable compensation to _____ as a result of _____'s death. You should consider any financial support which _____ would have received or had a right to receive from the deceased except for the death, and also the value of the society, comfort, guidance, education, care, protection, and companionship which _____ has lost by reason of the death.

[You should consider: the age of the deceased and of _____; the state of health and physical condition of the deceased and _____ as it existed at the time of the death and prior thereto; their respective expectancies of life as shown by the evidence; the disposition of the deceased whether it was kindly, affectionate or otherwise; whether the deceased showed an inclination to contribute to the support of _____; the earning capacity of the deceased and the monetary value of the deceased's non-compensated services to the household; and such other facts shown by the evidence as throw light upon the value of the support, society, care, comfort,

companionship and protection which the _____
reasonably might have expected to receive from the deceased had
_____ lived.]

GIVEN: _____
District Judge

Source: Swanson v. Champion Int'l. Corp., (1982), 197 Mont. 509,
646 P.2d 1166.

Comments:

- (1) Use with MPI2d 25.00.
- (2) Survival and wrongful death claims must be brought in a single action. Section 27-1-501(2), MCA states any element of damages may be recovered only once.
- (3) The Commission makes no recommendation as to use of bracketed materials.

Proposed by P(#____), D(#____), Ct(#____)

Disposition G____R____W____

INSTRUCTION NO. _____

() Your award should include [reasonable compensation to decedent's estate for:]

[reasonable compensation for damages suffered by decedent if you find death was not instantaneous. Your award should then include reasonable compensation to decedent's estate for:]

the amount of decedent's lost earnings between the time of injury and the time of death; the present value of decedent's reasonable earnings after the date of death during the remainder of his/her life expectancy; the medical and funeral expenses which were incurred as a result of the injury and death; reasonable compensation for decedent's conscious mental and physical pain and suffering in the interval between injury and death.

GIVEN: _____
District Judge

Source: See *Swanson v. Champion International*, 197 Mont. 509, 515, 646 P.2d 1166, 1169 (1982) (citing Section 27-1-501, MCA); see also *Stephens v. Brown*, 160 Mont. 453, 503 P.2d 667 (1972).

Comments: (1) Use with MPI2d 25.00.
(2) Survival and wrongful death claims must be brought in a single action. Section 27-1-501(2), MCA states any element of damages may be recovered only once.
(3) Use first bracketed paragraph if there is no issue as to survival. If survival is in issue, use second bracketed paragraph.

Proposed by P(#____), D(#____), Ct(#____)

Disposition G ____ R ____ W ____

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SHIRLEY E. FAUST, CLERK

By *Dayli John*

MONTANA FOURTH JUDICIAL DISTRICT COURT, MISSOULA COUNTY

ESTATE OF JORDAN CARLSON,

Plaintiff,

vs.

COMMUNITY MEDICAL CENTER
INC.,

Defendant.

Dept. 3
Cause No. DV-03-621

VERDICT

We, the Jury, at least eight of our number, find as follows:

Question No. 1:

Do you find Defendant Community Medical Center liable in its
care of Jordan Carlson?:

✓ Yes

 No

*If your answer is "Yes," go to Question No. 2. If your answer is "No," please
have the Jury Foreperson sign the Verdict and notify the Bailiff that a
Verdict has been rendered.*

1 Question No. 2:

2
3 The following damages were sustained by the Estate of Jordan
4 Carlson:

5 a. Pain and Suffering 10,000.00
6 b. Lost Earnings 1,333,392.80
7 c. Medical Expenses 18,699.44
8 d. Funeral Expenses 3,000.00
9
10 **TOTAL DAMAGES** \$1,365,092.24
11
12
13

14 Please have the Jury Foreperson sign the Verdict and notify the Bailiff
15 that a Verdict has been rendered.
16

17 DATED this 11 day of March, 2005.
18

19 
20 Jury Foreperson (Signature)

21 TONY J. JABLONSKI
22 Printed name of Jury Foreperson
23
24
25
26